

AMENDED IN ASSEMBLY APRIL 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2335

Introduced by Assembly Member Saldana

February 23, 2006

An act to amend Sections 117675, 117747, 118220, 118222, 118280, 118285, and 118310 of the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2335, as amended, Saldana. Medical waste.

(1) The existing Medical Waste Management Act prescribes procedures for the regulation, hauling away, and disposal of various types of medical waste. A violation of the act is a crime.

Existing law defines “infectious agent,” for purposes of the act, to mean a type of microorganism, bacteria, mold, parasite, or virus that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.

This bill would also include within that definition of “infectious agent” those organisms classified as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention.

Existing law defines the term “pharmaceutical,” for purposes of the act, to mean a prescription or over-the-counter human or veterinary drug, including, but not limited to, a drug as defined in the Federal Food, Drug, and Cosmetic Act. The bill would specify that, for purposes of the act, “pharmaceutical” does not include any pharmaceutical not regulated as a specified type of hazardous waste.

Existing law requires a person to take specified actions to containerize biohazard bags. In that connection, it authorizes a person

to store certain biohazardous waste at an onsite location for not longer than 90 days without obtaining prior written approval from the enforcement agency or the State Department of Health Services, except as provided.

This bill would revise that requirement to authorize a person to store that biohazardous waste at an offsite location for not longer than 90 days when the container is ready for disposal *or one year, whichever is shorter*, without obtaining that written approval, except as provided.

The bill would make various other changes to the requirements for the containment, storage, and labeling of medical waste, as provided. Since a violation of the bill's requirements for the containment, storage, and labeling of medical waste would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 117675 of the Health and Safety Code
2 is amended to read:
3 117675. "Infectious agent" means a type of microorganism,
4 bacteria, mold, parasite, or virus that normally causes, or
5 significantly contributes to the cause of, increased morbidity or
6 mortality of human beings. Infectious agent includes, but is not
7 limited to, those organisms classified as Biosafety Level II, III, or
8 IV by the federal Centers for Disease Control and Prevention.
9 SEC. 2. Section 117747 of the Health and Safety Code is
10 amended to read:
11 117747. (a) "Pharmaceutical" means a prescription or
12 over-the-counter human or veterinary drug, including, but not
13 limited to, a drug as defined in Section 109925 or the Federal
14 Food, Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec.
15 321(g)(1)).

1 (b) For purposes of this part, “pharmaceutical” does not
2 include any pharmaceutical that is regulated pursuant to either of
3 the following:

4 (1) The federal Resource Conservation and Recovery Act of
5 1976 (RCRA), as amended (42 U.S.C.A. Sec. 6901 et seq.).

6 (2) The Radiation Control Law (Chapter 8 (commencing with
7 Section 114960) of Part 9).

8 (c) For purposes of this part, “pharmaceutical” does not
9 include any pharmaceutical not regulated as a non-RCRA
10 hazardous waste pursuant to Chapter 6.5 (commencing with
11 Section 25100) of Division 20.

12 SEC. 3. Section 118220 of the Health and Safety Code is
13 amended to read:

14 118220. Recognizable human anatomical parts, with the
15 exception of teeth not deemed infectious by the attending
16 physician and surgeon or dentist, shall be disposed of by
17 interment or in accordance with paragraph (1) *or paragraph* (3)
18 of subdivision (a) of Section 118215, unless otherwise
19 hazardous.

20 SEC. 4. Section 118222 of the Health and Safety Code is
21 amended to read:

22 118222. (a) Biohazardous waste that meets the conditions of
23 subdivision (f) of Section 117635 shall be treated pursuant to
24 paragraph (1) *or paragraph* (3) of subdivision (a) of Section
25 118215 prior to disposal.

26 (b) Biohazardous waste that meets the conditions specified in
27 subdivision (g) of Section 117635 shall be treated pursuant to
28 paragraph (1) *or paragraph* (3) of subdivision (a) of Section
29 118215 prior to disposal.

30 SEC. 5. Section 118280 of the Health and Safety Code is
31 amended to read:

32 118280. To containerize biohazard bags, a person shall do all
33 of the following:

34 (a) The bags shall be tied to prevent leakage or expulsion of
35 contents during all future storage, handling, or transport.

36 (b) Biohazardous waste, except biohazardous waste as defined
37 in subdivision (g) of Section 117635, shall be bagged in
38 accordance with subdivision (b) of Section 118275 and placed
39 for storage, handling, or transport in a rigid container that may be
40 disposable, reusable, or recyclable. Containers shall be leak

1 resistant, have tight-fitting covers, and be kept clean and in good
2 repair. Containers may be recycled with the approval of the
3 enforcement agency. Containers may be of any color and shall be
4 labeled with the words “Biohazardous Waste” or with the
5 international biohazard symbol and the word “BIOHAZARD” on
6 the lid and on the sides so as to be visible from any lateral
7 direction. Containers meeting the requirements specified in
8 Section 66840 of Title 22 of the California Code of Regulations,
9 as it read on December 31, 1990, may also be used until the
10 replacement of the containers is necessary or existing stock has
11 been depleted.

12 (c) Biohazardous waste shall not be removed from the
13 biohazard bag until treatment as prescribed in Chapter 8
14 (commencing with Section 118215) is completed, except to
15 eliminate a safety hazard, or by the enforcement officer in
16 performance of an investigation pursuant to Section 117820.
17 Biohazardous waste shall not be disposed of before being treated
18 as prescribed in Chapter 8 (commencing with Section 118215).

19 (d) (1) Except as provided in paragraph (5), a person
20 generating biohazardous waste shall comply with the following
21 requirements:

22 (A) If the person generates 20 or more pounds of biohazardous
23 waste per month, the person shall not contain or store
24 biohazardous or sharps waste above 0° Centigrade (32°
25 Fahrenheit) at any onsite location for more than seven days
26 without obtaining prior written approval of the enforcement
27 agency.

28 (B) If a person generates less than 20 pounds of biohazardous
29 waste per month, the person shall not contain or store
30 biohazardous waste above 0° Centigrade (32° Fahrenheit) at any
31 onsite location for more than 30 days.

32 (2) A person may store biohazardous or sharps waste at or
33 below 0° Centigrade (32° Fahrenheit) at an onsite location for not
34 more than 90 days without obtaining prior written approval of the
35 enforcement agency.

36 (3) A person may store biohazardous or sharps waste at a
37 permitted transfer station at or below 0° Centigrade (32°
38 Fahrenheit) for not more than 30 days without obtaining prior
39 written approval of the enforcement agency.

1 (4) A person shall not store biohazardous or sharps waste
2 above 0° Centigrade (32° Fahrenheit) at any location or facility
3 that is offsite from the generator for more than seven days before
4 treatment.

5 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the
6 odor from biohazardous or sharps waste stored at a facility poses
7 a nuisance, the enforcement agency may require more frequent
8 removal.

9 (e) Waste that meets the definition of biohazardous waste in
10 subdivision (g) of Section 117635 shall not be subject to the
11 limitations on storage time prescribed in subdivision (d). A
12 person may store that biohazardous waste at an onsite location
13 for not longer than 90 days when the container is ready for
14 disposal *or one year, whichever is shorter*, without obtaining
15 prior written approval from the enforcement agency or the
16 department, except that persons generating not more than 10
17 pounds of that biohazardous waste per calendar year may store
18 less than 10 pounds of the biohazardous waste at any onsite
19 location for not longer than one year without obtaining prior
20 written approval from the enforcement agency or the department.
21 A person may store that biohazardous waste at a permitted
22 transfer station for not longer than 30 days without obtaining
23 prior written approval from the enforcement agency or the
24 department. A person shall not store that biohazardous waste at
25 any location or facility that is offsite from the generator for more
26 than 30 days before treatment.

27 (f) The containment and storage time for wastes consolidated
28 in a common container pursuant to subdivision (h) of Section
29 118275 shall not exceed the storage time for any category of
30 waste set forth in this section.

31 SEC. 6. Section 118285 of the Health and Safety Code is
32 amended to read:

33 118285. To containerize sharps waste, a person shall do all of
34 the following:

35 (a) Place all sharps waste into a sharps container.

36 (b) Tape closed or tightly lid full sharps containers ready for
37 disposal to preclude loss of contents.

38 (c) Store sharps containers ready for disposal for not more
39 than thirty days without the written approval of the enforcement
40 agency.

(d) Label sharps containers with the words “sharps waste” or with the international biohazard symbol and the word “BIOHAZARD.”

SEC. 7. Section 118310 of the Health and Safety Code is amended to read:

118310. A designated accumulation area used for the storage of medical waste containers prior to transportation or treatment shall be secured so as to deny access to unauthorized persons and shall be marked with warning signs on, or adjacent to, the exterior of entry doors, gates, or lids. The storage area may be secured by use of locks on entry doors, gates, or receptacle lids.

The wording of warning signs shall be in English, “CAUTION—BIOHAZARDOUS WASTE STORAGE AREA—UNAUTHORIZED PERSONS KEEP OUT,” and in Spanish, “CUIDADO—ZONA DE RESIDUOS—BIOLOGICOS PELIGROSOS—PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADAS,” or in another language, in addition to English, determined to be appropriate by the infection control staff or enforcement agency. A warning sign concerning infectious waste, as that term was defined by Section 25117.5 as it read on December 31, 1990, that sign having been installed before April 1, 1991, meets the requirements of this section, until the sign is changed and as long as the sign is not moved. Warning signs shall be readily legible during daylight from a distance of at least 25 feet.

Any enclosure or designated accumulation area shall provide medical waste protection from animals and natural elements and shall not provide a breeding place or a food source for insects or rodents.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O